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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,270	11/06/2000	Birgit Schleifenbaum	Mo-5666/HR-231	8303
75	90 04/24/2003			
Stephen A. Pendorf			EXAMINER	
Pendorf & Cutli 5111 Memorial	Highway		TRAN LIEN, THUY	
Tampa, FL 330	634-7656		ART UNIT	PAPER NUMBER
			1761	
			DATE MAILED: 04/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

			A) C				
	Application No.	Applicant(s)					
Advisory Action	09/707,270	SCHLEIFENBAUM ET AL.					
•	Examiner	Art Unit					
	Lien T Tran	1761					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED FAILS TO PLACE THIS APP Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appe Examination (RCE) in compliance with 37 CFR 1.114.	1) a timely filed amendment whi	cation. A proper rep ch places the appli	cation in				
PERIOD FOR RE	PLY [check either a) or b)]						
a) \square The period for reply expires 4 months from the mailing date of							
 The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later th ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). 	an SIX MONTHS from the mailing date o	f the final rejection.					
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
1 A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CF	•						
2. The proposed amendment(s) will not be entered because:							
(a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below);							
(b) ⊠ they raise the issue of new matter (see Note below);							
(c) they are not deemed to place the application issues for appeal; and/or	in better form for appeal by mat	erially reducing or s	simplifying the				
(d) 🛛 they present additional claims without canceling a corresponding number of finally rejected claims.							
NOTE: See Continuation Sheet.							
3. Applicant's reply has overcome the following rejection(s):							
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a s	eparate, timely filed	d amendment				
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.							
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.							
7.☑ For purposes of Appeal, the proposed amendment(s) a)☑ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.							
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed: <u>1-4</u> .							
Claim(s) objected to: none.							
Claim(s) rejected: <u>5-11</u> .							
Claim(s) withdrawn from consideration:							
8. The proposed drawing correction filed on is	a) approved or b) disapp	proved by the Exam	niner.				

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10. Other: ____

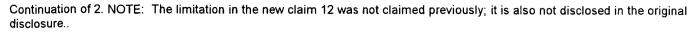
Group 1700

LIEN TRAN
PRIMARY EXAMINER

9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s).

Continuation Sheet (PTO-303) 909/707,270

Application No.



Continuation of 5. does NOT place the application in condition for allowance because: the argument is not persuasive for reason of record. The argument directed at claim 12 is not persuasive because the amendment was not entered. Applicant's argument with respect to the superior properties is not supported by factual evidence. Fulger et al do teach treating the particle with inert gas because they teach cooling with air; applicant's argument about having significant amount of flavoring on the surface of the particle is not supported by factual evidence. The argument about the residual isopropanol is not persuasive because Fulger et al also teach cooling by ambient air. If the particles are cooled by aid, they will not also be cooled with isopropanol.